

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI,
SOUTHERN DIVISION**

JOSEPH SPIERS d/b/a SPIERS ELECTRIC

PLAINTIFF

vs.

CIVIL ACTION NO.: 1:10cv464HSO-JMR

**PLAAS, INCORPORATED; THE HANOVER
INSURANCE COMPANY; ET AL.**

DEFENDANTS

**ORDER ON MOTION TO REMAND
AND MOTION TO COMPEL ARBITRATION**

CAME THIS DAY for hearing, on the Plaintiff's separate Motion to Remand [Doc. 11] and Plaintiff's Motion to Compel Arbitration, incorporated in its initial Complaint [Doc. 1]. The Court, after reviewing both Motions, and the applicable Response [Doc. 14] and Joinders thereto [Doc. 5, 6, and 7] finds as follows:

1. That the Plaintiff's Motion for Remand is **not well taken** and should be **denied**;
2. That the Plaintiff's Motion to Compel Arbitration before the American Arbitration Association (contained in Count I of Plaintiff's initial Complaint [Doc. 1]), is **well taken** and should be **granted**.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this Court shall retain jurisdiction over the subject matter of this cause, but will **stay** any further prosecution of this action until such time as the Arbitration of the merits of this matter have been concluded, either by settlement or through final award. This matter shall be arbitrated pursuant to the Mississippi Construction Arbitration Act, Miss. Code Ann. §11-15-1, *et seq.*, which such arbitration shall be administered with the American Arbitration Association, Construction Industry Rules. To the extent that there is a conflict between the American

Arbitration Association, Construction Industry Rules and the provisions of the Mississippi Construction Arbitration Act, Miss. Code Ann. §11-15-1, *et seq.*, the American Arbitration Association, Construction Industry Rules shall take precedence. The Plaintiff is directed to inform the Court in writing, within ten (10) days of the date of the settlement or issuance of final award by the American Arbitration Association in this cause.

SO ORDERED AND ADJUDGED, this the 8th day of December, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

AGREED TO:

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